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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,879	04/24/2006	Yoshito Otake	028359-00003	6925
4372	7590	02/03/2010	EXAMINER	
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			SNELTING, JONATHAN D	
			ART UNIT	PAPER NUMBER
			3652	
			NOTIFICATION DATE	DELIVERY MODE
			02/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com

IPMatters@arentfox.com

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Office Action Summary

Application No.

10/562,879

Applicant(s)

OTAKE ET AL.

Examiner

Jonathan D. Snelting

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendments to the claims, specification, and drawings filed on December 16, 2009 have been entered into the record.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 6 recites "an automatic transportation mode which does not need a worker, or an assist transportation mode which does not need a worker, or an assist transportation mode which can reduce a worker's burden" in lines 9-11. The limitation "or an assist transportation mode which does not need a worker" was added to claim 6 by amendment, but was not underlined or otherwise indicated as amended. Furthermore, this limitation appears to contradict the previously recited limitations "automatic transportation mode" and "assist transportation mode." Thus, it appears that the limitation "or an assist transportation mode which does not need a worker" in line 10 was amended by mistake.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe (JP 08282998 A).

6. Consider claim 1. Abe teaches a component transportation and installation device which transports and installs an installed component (19) in an installation position (proximate B, C) of a receiving body (proximate C, fig. 5) comprising: a grip mechanism (6); component transportation means (1-5) of moving the grip mechanism with an actuator (11, 25-28); first actuator control means (39, see paragraph 0035 of attached English translation) of controlling the actuator according to a predetermined route (position information, see last sentence of paragraph 0035 of attached English translation) and performing drive control; second actuator control means (11, see paragraph 0036 of attached English translation) of performing assist control of the actuator and performing drive control; and mode switch means (33) for switching between the first actuator control means and the second actuator control means. Abe's mode switch means is capable of performing the recited method steps (functional limitations) starting with "wherein" in line 16. Please see MPEP 2106 (IV)(B) and *R.A.C.C. Indus. V. Stun-Tech, Inc.*, 178 F.3d 1309 (Fed. Cir. 1998).

7. Consider claim 2. Abe teaches a component transportation and installation method of transporting and installing an installed component (19) in an installation position (proximate B, C) of a receiving body (proximate C, fig. 5) using component transportation means (1-5) having an actuator (11, 25-28) comprising: performing

transportation and installation by selecting an actuator automatic control step (see paragraph 0035 of attached English translation) of automatically transporting and installing the installed component in the installation position with controlling the actuator according to a predetermined route (position information, see last sentence of paragraph 0035 of attached English translation), or an actuator assist control step (see paragraph 0036 of attached English translation) of reducing a burden of a worker who performs the operation by assist control of the actuator, wherein the worker switches between the actuator automatic control step and the actuator control step at any time according to a work condition (position B, see paragraph 0037 of attached English translation).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (JP 08282998 A) in view of Kiyuukazi (JP 2000210824 A).
10. Consider claim 3. Abe teaches a component transportation and installation method including a step of installing an installed component (19), transported near an installation position (proximate B, C), in a receiving body (proximate C, fig. 5), comprising: positioning the installed component in an installing section (proximate C, fig. 5) of the receiving body by operating the installed component in an assist mode (see

paragraph 0036 of attached English translation) by actuating a mode control switch (clutch 33 and on/off switch in paragraph 0037-0038 of attached English translation); installing the positioned installed component in the receiving body; and moving a grip mechanism (6) to a predetermined position in an automatic mode (proximate A, B) occurring the instant the mode control switch is no longer being actuated (clutch 33 moving from disengaged position to engaged position).

Abe does not explicitly teach installing the positioned installed component automatically. Kiyuukazi teaches installing a positioned installed component (tire) automatically (via stereo camera 90, see paragraphs 0032-0035 of attached English translation). It would have been obvious to a person having ordinary skill in the art to modify Abe's installing step with Kiyuukazi's automatic installing step in order to improve the safety of the worker.

11. Consider claim 4. Abe teaches a component transportation and installation device for installing an installed component (19) in a receiving body (proximate C, fig. 5) comprising: a grip mechanism (6); component transportation means (1-5) with an actuator (11, 25-28) for transporting the grip mechanism; means ("A worker...performs attachment work by self manual labor," see paragraph 0036 of attached English translation) to install the installed component in an installing section (proximate B, C) of the receiving body; and a control means to select the assist mode when positioning the installed component (see paragraph 0036 of attached English translation). Abe's actuator is capable of performing the recited method steps (functional limitations) starting with "switching" in line 10. Abe's control means is capable of performing the

recited method steps (functional limitations) starting with "wherein" in line 14. Please see MPEP 2106 (IV)(B) and *R.A.C.C. Indus. V. Stun-Tech, Inc.*, 178 F.3d 1309 (Fed. Cir. 1998).

Abe teaches installing the installed component by "self manual labor," but does not explicitly teach an installation mechanism. Kiyuukazi teaches an installation mechanism (fig. 7). It would have been obvious to a person having ordinary skill in the art to modify Abe's device with Kiyuukazi's installation mechanism in order to improve the safety of the worker.

12. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (JP 08282998 A) in view of Ishihara (JP 09210116 A).

13. Consider claim 5. Abe teaches a component transportation and installation method of repeatedly transporting an installed component (19) in a component supply position (proximate A) toward an installation position (proximate B, C) including gripping by a grip mechanism (6) while conveying a receiving body (proximate C, fig. 5), returning the grip mechanism to the component supply position (proximate A, see paragraph 0037 of attached English translation) comprising: switching between an automatic mode (see paragraph 0035 of attached English translation) and an assist mode (see paragraph 0036 of attached English translation) by actuating a mode control switch (clutch 33 and on/off switch in paragraph 0037-0038 of attached English translation); performing switching to an automatic transportation mode (see paragraph 0035 of attached English translation) after gripping the installed component and automatically transporting the installed component nearby the installation position;

making the grip mechanism return to the component supply position in the automatic mode (see paragraph 0037 of attached English translation), wherein the automatic mode occurs every time the mode control switch is not being actuated (clutch 33 engaged) and wherein the assist mode occurs every time the mode control switch is being actuated (clutch 33 disengaged); transporting and installing installed components in the installation position (see paragraphs 0035-0036 of attached English translation).

Abe does not explicitly teach conveying the receiving body with pitch feed and installing at least two components in a stop period of one pitch feed. Ishihara teaches conveying a receiving body (50) with pitch feed and installing two components (12) in a stop period of one pitch feed (see paragraph 0040 of attached English translation). It would have been obvious to a person having ordinary skill in the art to modify Abe's method with conveying a receiving body with pitch feed and installing at least two components in a stop period as taught by Ishihara in order to increase throughput.

14. Consider claim 6. Abe teaches a component transportation device for transporting and installing an installed component (19) in a receiving body (proximate C, fig. 5) comprising: a grip mechanism (6) which grips the installed component in a component supply position (proximate A); and component transportation means (1-5) of transporting the grip mechanism to an installation position (proximate B, C) in an automatic transportation mode (see paragraph 0035 of attached English translation) or an assist transportation mode (see paragraph 0036 of attached English translation) and returning in the automatic transportation mode (see paragraph 0037 of attached English translation) to the component supply position when installation is completed. Abe's

component transportation means is capable of performing the recited method steps (functional limitations) starting with “wherein” in line 16. Please see MPEP 2106 (IV)(B) and *R.A.C.C. Indus. V. Stun-Tech, Inc.*, 178 F.3d 1309 (Fed. Cir. 1998).

Abe does not explicitly teach receiving body transportation means for performing pitch feed, and the grip mechanism can transport at least two components in a stop period of one pitch feed. Ishihara teaches receiving body (50) transportation means (28) for performing pitch feed, and a grip mechanism (30) can transport at least two components (12) in an installation position (proximate S1) in a stop period of one pitch feed (see paragraph 0040 of attached English translation). It would have been obvious to a person having ordinary skill in the art to modify Abe's device with Ishihara's receiving body transportation means in order to increase throughput.

Response to Arguments

15. Applicant's arguments filed 12/16/2009 have been fully considered but they are not persuasive.

16. Regarding claim 1, applicant argues that Abe does not teach that the first actuator control means switches to the second actuator control means when the mode switch means is actuated, and reverts back when the mode switch means is not actuated. This argument is not persuasive. Abe teaches a mode switch means (clutch 33) which is capable of performing the recited method steps (functional limitations) in an apparatus claim.

17. Regarding claim 1, applicant argues that Abe's device can only be in automatic mode from point A to point B. This argument is not persuasive. The applicant is arguing limitations not found in the claims.

18. Regarding claim 2, applicant argues that Abe does not teach that the worker is able to switch between the automatic mode and the assist mode at any time. This argument is not persuasive. Abe teaches that the worker is able to switch modes at least when the device is near position B, which can occur at any time.

19. Regarding claim 3, applicant argues that neither Abe nor Kiyuukazi teaches that the assist mode occurs by actuating a mode control switch and the automatic mode occurs by the mode control switch not being actuated. This argument is not persuasive. Abe teaches that the assist mode occurs by actuating a mode control switch (disengaging clutch 33) and the automatic mode occurs by the switch not being actuated (engaging clutch 33).

20. Regarding claim 4, applicant argues that neither Abe nor Kiyuukazi teaches that the assist mode occurs by actuating a mode control switch and the automatic mode occurs by the switch not being actuated. This argument is not persuasive. Abe teaches a mode switch means (clutch 33) which is capable of performing the recited method steps (functional limitations) in an apparatus claim.

21. Regarding claim 5, applicant argues that neither Abe nor Ishihara teaches that the automatic mode occurs every time the mode control switch is not being actuated and the assist mode occurs every time the mode control switch is being actuated. This argument is not persuasive. Abe teaches that the automatic mode occurs every time

the mode control switch (clutch 33) is not being actuated (clutch 33 is engaged) and the assist mode occurs every time the mode control switch is being actuated (clutch 33 is disengaged).

22. Regarding claim 6, applicant argues that neither Abe nor Ishihara teaches that the automatic mode occurs every time the mode control switch is not being actuated and the assist mode occurs every time the mode control switch is being actuated. This argument is not persuasive. Abe teaches a mode control switch (clutch 33) which is capable of performing the recited method steps (functional limitations) in an apparatus claim.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Snelting whose telephone number is 571-270-7015. The examiner can normally be reached on Monday to Friday 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. D. S./
Examiner, Art Unit 3652

/Saúl J. Rodríguez/
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